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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,199	07/16/2003	Ronald J. Kelley	CM0156SLD02	1081

7590 01/12/2005
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EXAMINER

BELL, BRUCE F

ART UNIT PAPER NUMBER

1746

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Rule 312 Communication	Application No.	Applicant(s)	
	10/621,199	KELLEY ET AL.	
	Examiner	Art Unit	
	Bruce F. Bell	1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☐ The amendment filed on 20 September 2004 under 37 CFR 1.312 has been considered, and has been:

- a) ☐ entered.
- b) ☐ entered as directed to matters of form not affecting the scope of the invention.
- c) ☐ disapproved because the amendment was filed after the payment of the issue fee.
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.
- d) ☒ disapproved. See explanation below.
- e) ☐ entered in part. See explanation below.

Applicant's response after allowance to add information to the application has been denied on the basis of new matter and new issues. For example at page 2, of the amendment, lines 22-23, applicant changes the sentence from "Typically, the indicia 19 consist of a sight glass, a capacitive element, a resistive element, a transparent portion of", to "Typically, the indicia 19 works in conjunction with a sight glass, a capacitive element, a resistive element, a transparent portion of". This is considered by the examiner to be new matter. "Working in conjunction with" and "consisting of" are not one in the same when taken in context. Further, the addition of the paragraph beginning at page 4, line 9 as suggested by the 37 CFR 1.132 amendment would include new matter since none of this disclosure was originally present in the specification, claims or the drawings as originally presented. The drawings would not lend themselves to the addition of this information as set forth in the new paragraph being presented. Further in Figure 5, the addition of the acoustic transmitter 50 is not appropriate, since the original disclosure does not discusse for feature 50 is. There is not any suggestion that this feature number in Figure 5 would be an acoustic transmitter and further the same is true for feature 55 to an acoustic receiver.



**MICHAEL BARR
SUPERVISORY PATENT EXAMINER**



**Bruce F. Bell
Primary Examiner
Art Unit: 1746**